

FORM PTO-1390 (REV 07-2005)		ATTORNEY DOCKET NUMBER 4126-4040
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> <b>10/579251</b>
INTERNATIONAL APPLICATION PCT/GB2004/050025	INTERNATIONAL FILING DATE 12 November 2004 (12.11.04)	PRIORITY DATE CLAIMED 14 November 2003 (14.11.03)
<b>TITLE OF INVENTION</b> <b>COMBINATION THERAPY COMPRISING THE USE OF ET-743 AND DOXORUBICIN FOR TREATING CANCER</b>		
<b>APPLICANT(S) FOR DO/EO/US</b> Luca GIANNI, Maurizio D'INCALCI, Filippo DE BRAUD, Silvia MARSONI, José María JIMENO DOÑAQUE, and Luis LOPEZ LAZARO,		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected. (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98; Form PTO-1449A and PTO-1449B, with a copy of all cited references.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or Information:  Request; and Published PCT application with International Search Report- publication number WO 2005/049029 A1.</li> </ol>		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) TBA		INTERNATIONAL APPLICATION NO. PCT/GB2004/050025		ATTORNEY'S DOCKET NO. 4126-4040	
<b>10/579251</b>				CALCULATIONS	PTO USE ONLY
The following fees have been submitted				\$ 300	
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300		\$ 300	
22. <input checked="" type="checkbox"/> Examination fee If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4).....		\$0			
All other situations.....		\$200		\$ 200	
23. <input checked="" type="checkbox"/> Search fee If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) – (4) .....		\$0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400			
All other situations.....		\$500		\$ 400	
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 900	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	#
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	26 - 20 =	6	x \$50.00	\$ 300	
Independent claims	4 - 3 =	1	x \$200.00	\$ 200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00		\$ 360	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,760	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by $\frac{1}{2}$ .				\$	
		<b>SUBTOTAL =</b>		\$1,760	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		+		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+		\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
TOTAL FEES ENCLOSED =				\$1,760	
		Amount to be refunded:		\$	
		Amount to be charged:		\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-4500</u> (Order No. 4126-4040) in the amount of \$1,760 to cover the above fees.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-4500</u> (Order No. 4126-4040.) A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Enter Address Here <b>Morgan &amp; Finnegan, L.L.P.</b> <b>3 World Financial Center</b> <b>New York, New York 10281-2101</b> <b>Tel: (212) 415-8700</b> <b>Fax: (212) 415-8701</b>					
 Signature <u>Kenneth H. Sonnenfeld / Michael A. Willis</u>					
33,285 / 53,913 REGISTRATION NUMBERS					

IN THE UNITED STATES

- RECEIVING OFFICE (RO/US)  
 DESIGNATED OFFICE (DO/US)  
 ELECTED OFFICE (EO/US)

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Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: DO/EO/US

**VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
(INTERNATIONAL APPLICATION (37 CFR 1.10(c)))**

I declare that on **May 12, 2006**, I deposited with the United States Postal Service in an envelope "Express Mail, Post Office to Addressee", bearing Label Number **EV 826870465 US**, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having an express mail certification which I executed, the following papers:

1. Transmittal Letter To The United States Designated/Elected Office;
2. Information Disclosure Statement under 37 CFR 1.97 and 1.98,  
Forms PTO-1449 A and PTO-1449 B, with copy of eight (8) cited references;
3. Copies of: PCT Request and PCT application - publication number WO 2005/049029 A1, published on 2 June 2005 with the International Search Report; and;
4. Return receipt postcard.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Michael Willis

(Typed or printed name of person making this verified statement)



(Signature of person making this verified statement)

(Verified Certification of Express Mailing Date (International Application) [13-12])